App. F. IX-4

194 /. ( C/5 )

File No. 24-41

Serial Nos. 142

*Previous References.*

C/5 99-35 (1-2)
" 91-35 (1-2)

*Later References.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* two only

**Part B for** July '41

**SUBJECT.**

Amendment to Rule 16 of order V of the Code of Civil Procedure.

P 428 Dated 29.7.41

To

The Registrar H.C

Sanctions the request of the Registrar high Court.

C. G. Vajiramuni
21.8.41

Serial No.

From the Registrar. High Court of Nepal
No R.O.C 260/40-41 dt 12-7-41
Requests sanction to the
amendment of Rule 16 of Order V of the
Code of Civil Procedure
The amendments were published
in the Gazette* no objection or suggestion
is stated to have been received.
Draft sanctioning is put up
for approval or other orders ~~as proposed~~*

Flag Q.

Draft R

no
23/7/41

May be approved
Law Secretary. 3
23/7/41

May be approved
Minister Law. )
Hm
2
23/7/41.

3
23/7/41

23/7

Hm
2
24/7/41.

3
24/7/41

Draft

Draft

2

To the Registrar. High Court
No P.428 dt 29.7.41
Sanctions the amendment

B

NOTE—Contn. Sheet.

30 P 941

R. O. C. No. 260 (now)
D. Dis.

one : one

SECY. LAW DEPT. 15 JULY 1941 GOVT. OF MYSORE

**HIGH COURT OF MYSORE,**
**Public Office Buildings, Cubbon Park,**

*Bangalore,* 12th July *1941.*

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
*Registrar, High Court of Mysore.*

To

H. V. Narayana Rao, Esq., B. A., LL. B.,
Secretary to Government,
Law Department, Bangalore.

Ch 24-41-1

SIR,

I am directed to state that the High Court proposes to amend Rule 16 of Order V of the Code of Civil Procedure as shown in the enclosure in order explicitly to provide for an acknowledgment being obtained from a defendant that he has received a copy of the plaint or from a respondent that he has received a copy of the memorandum of appeal or application, as the case may be, so that a serving officer may be prevented from being careless in the matter and a defendant or respondent from being obstructive.

2. The proposed amendments which are in accordance with the recommendation of the Rule Committee, were published at page 1079 of Part III of the Mysore Gazette dated the 8th May 1941 in accordance with Section 122 of the Code of Civil Procedure, and no objection nor suggestion has been received.

3. I am to request that the Government may be pleased to accord sanction to the proposed amendments under Section 126 of the Code of Civil Procedure.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

NVK.

THE PROPOSED AMENDMENT OF ORDER V RULE 16, CODE OF CIVIL PROCEDURE..

In the said rule-

(i) Add the words "with a copy of the plaint or concise statement thereof" between the words "Summons" and "to the defendant",

(ii) substitute the words "copies are" to "copy is" and

(iii) add "their " between the words "of" and "service".

The rule will, after amendment, run thus:-

When the serving officer delivers or tenders a copy of the summons with a copy of the plaint or concise statement thereof to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person, to whom the copies are so delivered or tendered, to an acknowledgment of their service endorsed on the original summons.

J. Shanmugam
Registrar.

NVK.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

*Diary No. of letter replied to*.....

**Section.** C5

**File No.** 24-41

**Serial No.** 2

General and Revenue Secretariat

( )

*the* *193*

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

Date of issue.....29.6.41.....193 .

Signed by Mr. BKR.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

*Read*— Letter no. R.O.C. 260/40-41 dt. 12-7-41 from the Registrar, High Court of Mysore, requesting sanction to the amendments proposed to be made, under Sec 126 of the Code of Civil Procedure, to Rule 16 of order V of the Code of Civil Procedure in order to provide explicitly for an acknowledgment being obtained from a defendant that he has received a copy of the plaint or from a respondent that he has received a copy of the memorandum of appeal or application, as the case may be, so that the serving officer

Order thereon.—No.

may be prevented from being
Careless in the matter and
a defendant or respondent
from being obstructive.

Order No. 9428/Rule 1.

Sanctioned

The amendments which
are in accordance with the Rule
Committee were published in Copies of the amendment is
the Supreme Gazette, and no objection appended to this order.
or suggestion is stated to have been
received. Govt. are pleased to accord sanction to
the amendment as which
below.

the Amendments and
the rule as amended are
published appended to this
order.

Hm
2
23/7/14:
Secretary to Govt
Law Deptt.

To the Registrar, High Court.

× Flag ×

*List of Enclosure*

(To be typed below)

*Copied by* 25/7.

*Examined by*

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

---

R E A D:

Letter No.R.O.C.260/40-41 dated 12th July 1941 from the Registrar, High Court of Mysore, requesting sanction to the amendments proposed to be made, under Section 126 of the Code of Civil Procedure, to Rule 16 of Order V of the Code of Civil Procedure in order to provide explicitly for an acknowledgment being obtained from a defendant that he has received a copy of the plaint or from a respondent that he has received a copy of the memorandum of appeal or application, as the case may be, so that the serving officer may be prevented from being careless in the matter and a defendant or respondent from being obstructive.

---

O R D E R No.P. 428 Ch 24-41-2

Dated, Bangalore, the 29th July 1941.

Sanctioned.

Copy of the amendment is appended to this Order.

B.R. Ramakrishnaiya
Secretary to Government,
Law Department.

To--The Registrar, High Court of Mysore.

TN-2)